

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954) 797-1101
Prepared by Deborah Ross, AICP, Planning Supervisor

SUBJECT: Ordinance – Rare Species

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED “REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING”; ADDING SECTION 26-2 ENTITLED “RARE SPECIES”; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

At Town Council direction, staff has prepared an Ordinance, in compliance with Chapter 26, Article 1. Clearing of Potential Wildlife Habitat, identifying those species which are considered rare within the Town boundaries due to their limited habitat needs and/or their sparse population. The definition of *rare species* states: “Those species of fish or wildlife that are so designated by ordinance by the Town Council of the Town from time to time.”

Wildlife Protection Ordinance 2000-42 was adopted by Town Council on December 20, 2000. The ordinance requires that prior to any development on vacant land, a wildlife study be performed by a certified wildlife biologist. The Ordinance then goes on to state that while preparing the wildlife study the biologist shall search for “endangered species and/or rare species” and also search for “likely habitat for any rare, threatened or endangered species.”

The attached table contains a list of all the species identified as rare species by the Florida Committee on Rare Endangered Plants and Animals (FCREPA), a non-governmental organization, comprised of scientists, conservations, and concerned citizens, and are not identified by any other agency. There are eight (8) species identified as rare which may not be located within Broward County and include: Kite, Antillean Nighthawk, Black Rail, American Redstart, Black Whisk Vireo, Jamaican Fungus Ant, Scrub Ischyryus Beetle, and Elongated June Beetle.

FCREPA prepares a list of animals (and plants) potentially at risk because they are found only within a restricted geographical area or sparsely distributed over a more extensive range.

These species are identified as *rare* by this group. This terminology is consistent with the intent of the *rare species* definition within the Clearing of Potential Wildlife Habitat Ordinance.

PREVIOUS ACTIONS: None

CONCURRENCES: Local Planning Agency recommended approval at its June 11, 2003, meeting (Motion carried 5-0)

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject text change complete and suitable for transmittal to Town Council for further consideration.

Attachment: Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING"; ADDING SECTION 26-2 ENTITLED "RARE SPECIES"; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to protect rare species as defined by the Florida Committee on Rare and Endangered Plants and Animals (FCREPA); and

WHEREAS, the FCREPA defines rare species as those with limited geographic distribution or a sparse distribution over a large range; and

WHEREAS, the Town of Davie Local Planning Authority held a public hearing on April 23, 2003 and June 11, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statute on May 7, 2003 and June 18, 2003 on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Chapter 26 of the Town Code is amended to read as follows:

Sec. 26-1. Requirements for wildlife protection prior to land clearing.

Rare species: Those species of fish or wildlife that are so designated by ordinance by the Town Council of the Town from time to time. A list of rare species is provided in section 26-2.

Sec. 26-2. Rare Species.

The following table provides a listing of species identified as rare within Broward County by the Florida Committee on Rare and Endangered Plants and Animals (FCREPA). FCREPA's Rare designation is for those species that are potentially at risk because they are found only

within a restricted geographic area or habitat in the state, or, are sparsely distributed over a more extensive range.

RARE PLANTS AND ANIMALS

<u>Common name</u> <u>(Scientific name)</u>	<u>Habitat</u>	<u>Counties</u>
<u>BIRDS (*breeds in these counties only)</u>		
<u>Egret, reddish</u> <u>(<i>Egretta rufescens</i>)</u>	<u>coastal strand,</u> <u>mangrove keys</u>	<u>Broward, Charlotte*, Collier*,</u> <u>Dade*, Indian River*, Lee*,</u> <u>Martin, Monroe*, Palm Beach,</u> <u>Sarasota*, St. Lucie</u>
<u>Hawk, short-tailed</u> <u>(<i>Buteo brachyurus</i>)</u>	<u>mixed woodland and</u> <u>savanna</u>	<u>Regionwide</u>
<u>Kite, white-tailed</u> <u>(<i>Elanus leucurus</i>)</u>	<u>grasslands</u>	<u>Broward, Dade</u>
<u>Nighthawk, Antillean</u> <u>(<i>Chordeiles gundlachii</i>)</u>	<u>open areas</u>	<u>Broward, Dade*, Monroe*</u>
<u>Rail, black</u> <u>(<i>Laterallus jamaicensis</i>)</u>	<u>tidal marshes</u>	<u>Regionwide</u>
<u>Redstart, American</u> <u>(<i>Setophaga ruticilla</i>)</u>	<u>mature deciduous forests</u>	<u>Regionwide</u>
<u>Spoonbill, roseate</u> <u>(<i>Ajaia ajaja</i>)</u>	<u>coastal strand, marshes,</u> <u>slough</u>	<u>Regionwide</u>
<u>Vireo, black-whiskered</u> <u>(<i>Vireo altiloquus</i>)</u>	<u>coastal mangrove</u> <u>swamps, hardwood areas</u>	<u>Broward, Charlotte, Collier,</u> <u>Dade, Indian River, Lee, Martin,</u> <u>Monroe, Palm Beach, Sarasota,</u> <u>St. Lucie</u>
<u>AMPHIBIANS</u>		
<u>Turtle, leatherback</u> <u>(<i>Dermochelys coriacea</i>)</u>	<u>coastal strand, marine</u>	<u>Broward, Charlotte, Collier,</u> <u>Dade, Indian River, Lee, Martin,</u> <u>Monroe, Palm Beach, St. Lucie</u>

<u>INVERTEBRATES</u>		
<u>Ant, Jamaican fungus</u> <i>(Trachymyrmex jamaicensis)</i>	<u>tropical hardwood hammocks</u>	<u>Broward, Monroe</u>
<u>Beetle, elongate June</u> <i>(Phyllophaga elongata)</i>	<u>sand pine scrub</u>	<u>Broward, Dade, Highlands, Palm Beach, Polk, Sarasota</u>
<u>Beetle, Florida scrub tiger</u> <i>(Cicindela scabrosa)</i>	<u>scrub habitats</u>	<u>Broward, Dade, Highlands, Lee, Polk</u>
<u>Beetle, scrub ischyrus</u> <i>(Ischyrus dunedinensis)</i>	<u>scrub species</u>	<u>Broward, Highlands, Indian River</u>

Source: Florida Committee on Rare and Endangered Plants and Animals; *Wildlife in Peril: South Florida*.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

